

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDWARD A. GIVEN,)
Petitioner,)
v.) Civil Action No. 05-11663-NMG
ROBERT MURPHY,)
Respondent.)

)

**Respondent Robert Murphy's Third Motion
for Extension of Time to File Memorandum
in Opposition to Petition for Writ of Habeas Corpus**

Respondent Robert Murphy hereby respectfully moves the Court for a sixteen-day extension to file a memorandum opposing the merits of Petitioner Edward A. Given's petition for a writ of habeas corpus, which is filed herewith. In support of this motion, Respondent states as follows:

1. Given's habeas petition raises complex legal issues stemming from his 2001 civil commitment trial and subsequent state-court appeal. In support of his petition, Given has filed a 17-page memorandum of law. To prepare an appropriate response, counsel for Respondent has required a substantial amount of time to analyze Given's claims, review the state-court record, conduct research, and prepare a memorandum in opposition.

2. Preparation of Respondent's memorandum in opposition took significantly longer than counsel for Respondent had anticipated, and was complicated by the fact that counsel for Respondent is also handling a significant caseload of criminal, civil,

and postconviction matters on behalf of the Commonwealth of Massachusetts and other parties.

3. Respondent's memorandum in opposition to the petition is filed herewith.

4. Allowance of this motion will enable counsel for Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, Respondent Robert Murphy respectfully requests that the Court allow this motion, and extend until September 12, 2007 the date by which he may file a memorandum opposing the merits of Petitioner Edward A. Given's petition for a writ of habeas corpus.

Respectfully submitted,

ROBERT MURPHY,

By his attorney,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Scott A. Katz

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Dated: September 12, 2007

Local Rule 7.1(A)(2) Certification

I hereby certify that on September 12, 2007, I attempted to contact Michael A. Nam-Krane, counsel for Petitioner Edward A. Given in this matter, in an effort to resolve or narrow the issues presented by this motion, but was unable to reach him.

/s/ Scott A. Katz
Scott A. Katz

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including Michael A. Nam-Krane, counsel for Petitioner Edward A. Given in this matter.

/s/ Scott A. Katz
Scott A. Katz